

**AN ORDINANCE**

**Amending**, the Comprehensive Development Code of the City of Marietta.

**NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:**

Section 1: Division 714 is hereby amended as follows:

**714.01 Purpose**

These standards are intended to:

- A. This division contains regulations which promote signs that are subordinate to and in aesthetic harmony with their location on buildings and their surrounding environment; to identify requirements that safeguard life, public health, aesthetic quality and welfare by regulating the location, size, number, illumination, construction, maintenance and quality of materials of all signs and outdoor advertising structures and to eliminate visual clutter and blight within the City.
- B. Promote the safety of persons and property by providing that signs do not create traffic or other hazards due to collapse, fire, visual obstruction, decay or abandonment.
- C. Promote and encourage designs that reflect the appropriate scale, historic character, and pedestrian orientation of the city. As well as, encourage designs that reflect the architectural scale, aesthetic quality, and vehicular and pedestrian orientation of commercially zoned districts within the city.

**714.02 Permit Requirements**

The following requirements and limitations shall apply with regard to signs, in addition to provisions appearing elsewhere in the text of these regulations or in the schedule of zoning district regulations.

- A. Any property owner, business, tenant, agent, or contractor may be required to obtain a permit from the Public Works Department and/or the Department of Planning and Zoning prior to the erection, replacement, reconstruction, or relocation of a sign. Said permit may be required for all signs except those specifically exempted within this ordinance. If said permit is required, the fee for a sign permit will not be required in addition to the building permit. The tenant must have a current license to do business

in the City at the location where the erection, replacement, reconstruction, or relocation of a sign is to take place. Agents or contractors actively erecting or maintaining signs must have a license to do business in the State of Georgia.

- B. Each application for a sign permit shall contain the following information:
1. Name of property owner, tenant and agent.
  2. Name of sign owner (if different from property owner).
  3. Name, address, and telephone number of the sign erector/contractor.
  4. Freestanding signs require scaled drawings detailing the location of any structure on the lot upon which the sign is to be attached or erected and the exact position of the sign in relation to nearby buildings or structures and to nearby streets. Also, freestanding signs require elevation plans be provided that show the dimensions, schematics, materials, and all other information that shows the design of the sign. Wall and other signs require scaled building elevation plans and detailed schematics to be submitted that detail the size of the building face and the location of the sign on the structure and the materials and design of the sign.
  5. Plans, specifications and structural details of construction and attachment to the building or in the ground. A single submission may be permitted for standardized signs. All signs must conform to the standards of the current National Electrical and Standard Building Codes issued at the time of application and/or other codes of the City that may be applicable. The applicable issues of the Standard Building Code and National Electrical Code, as amended, are incorporated herein by reference as though fully set forth herein, a copy of which shall be maintained on file with the City Clerk for inspection and review by the public. The chief building official may require plans be certified to show that they meet guidelines in the Standard Building Code and the National Electric Code by an engineer or architect registered with the State of Georgia. If a proposed detached freestanding sign is larger than 32 square feet, the plans must be certified by a registered engineer or architect.
  6. Electrical Permits. Any electrical permit required and issued for electrical hookup for said sign must have the sign's U.L. (Underwriters Laboratories) certification number listed on the application. \*(Not necessary if indirect lighting required.).
  7. Permit Fees. Sign Permit fees are required for all temporary signs. Sign fees for permanent signs are only required if a building permit for the construction of a sign is not required by the Department of Public Works. The permit fee for signs shall be as follows:
    - Permanent: \$25.00 plus \$1.00/square foot
    - Temporary: \$25.00 for each 30 days (maximum 60 days in a year).
- C. The Department of Planning and Zoning may issue temporary permits for promotional signs to be placed along the streets of the city whereby the public will be directed to a specific place or event. All applicants for a temporary permit shall file a statement that they will be responsible for removal of such signs within 5 days following the civic, promotional, or other similar event. Temporary permits shall not be utilized in lieu of permanent signs regulated by other sections of this article nor exceed any sign area requirements.

- D. The City is hereby authorized and empowered to revoke any permit issued by it upon failure of the holder thereof to comply with any provisions of this article within 5 days of the receipt of written notice to the property owner or the refusal of the property owner to accept the written notice.

### **714.03 Signs exempt from permit regulations**

The following classes of signs are exempted from permit requirements, but other limitations, regulations, and requirements (such as setback from right-of-way or signs not to constitute a hazard) concerning such signs remain applicable.

- A. Announcement signs. Limit two with an aggregate area of no more than 4 square feet. Restricted to business hours, open/close, credit card acceptance or other incidental information. Must be in window of business being advertised.
- B. Signs, notices, traffic signs, official flags and emblems erected by or on order of governmental jurisdictions.
- C. National flags and flags of political subdivisions, including the official flag of the United States, State of Georgia, Cobb County, or the City of Marietta that are attached to flagpole mounted on the ground or to flagstaffs attached to the façade of a structure, provided that such flags shall be flown in compliance with the standards applicable under State and Federal law. Properties used residentially are exempt from the above-mentioned requirement pertaining to flags. Flags, including the official flag of the United States, State of Georgia, Cobb County, the City of Marietta, or any other nation, state or government shall not be used for the purpose of advertising, selling or promoting the sale of any good or service.
- D. Traffic movement and internal directional signs not to exceed 4 square feet per sign face or 2 feet in height. Limited to one per curb cut. No advertising text may be affixed.
- E. Temporary political campaign signage (including posters and advertisements) limited to 32 square feet per sign area and there shall be no more than two sign faces per road frontage. Any political signage that does not meet these requirements shall be required to obtain a sign permit and follow those restrictions set forth for that type of sign. All signs must be removed within 5 days of the last day that the candidate's name or that issue appears on a ballot for a primary, runoff, general or special election. All such signs are prohibited (a) within any public right-of-way, (b) on any public property or building, (c) on any private property unless the owner thereof has given permission.
- F. Delivery receptacles for mail and newsprint deliveries.

- G. Construction/development signs when placed at a location under construction or alteration, not to exceed 15 square feet in residential districts or 50 square feet in non-residential districts. All such signs shall be removed from site upon issuance of certificate of occupancy.
- H. Real estate signs shall be limited to one per property road frontage and shall be removed 5 days of the sale or lease of the property.
  - 1. Real estate signs in developed residential districts are limited to the sale of property, shall be no more than 6 square feet in size, and shall be removed 5 days after the sale or lease of the property. In undeveloped residential districts, real estate signs are limited to the sale of property, shall be no more than 32 square feet in size, and shall be removed 5 days after the sale or lease of the property.
  - 2. In non-residential districts, real estate signs are limited to the sale or lease of property, shall be no more than 32 square feet in size, and shall be removed 5 days after the sale or lease of the property undeveloped residential districts or non-residential districts. No more than 2 such signs per lot shall be allowed and they shall be removed within 5 days of the sale or lease of the property.
- I. Real estate directional signs, one per property road frontage not otherwise dedicated for other signage allowance, limited to 6 square feet in developed residential districts and 32 square feet in undeveloped residential districts or non-residential districts. No more than 2 such signs per lot shall be allowed and they shall be removed within 5 days of the sale or lease of the property for which directions are provided.
- J. Window signs are permitted in nonresidential districts subject to those standards, which apply to wall signs. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building. No more than 50% of the windows of a business shall be used to display window signs and the signage in a single window shall not account for more than 50% of a window face.
- K. Building addresses and emergency information.
- L. Weekend directional signs (WEDS). Many people travel to, from, and through the city on a daily basis. During the weekday rush hours when the majority of people on the roads are commuting to or from work, roads are often nearly beyond their capacity. Traffic hazards and distractions must be minimized. However, people at times need the benefit of directional signs to help find their destinations. Properly regulated, such directional signs may actually aid the flow of traffic. The following regulations recognize the difference in weekday and weekend traffic and are intended to promote and protect the health, safety, and welfare of the residents, visitors and businesses of the city. Improperly located WEDS, advertising businesses, services, or products, are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on city roads.

1. WEDS shall be allowed in all zoning districts.
2. WEDS shall be allowed from 3:00 p.m. on Friday to 9:00 p.m. on Sunday. It shall be the responsibility of the sign owner to remove all WEDS including stakes, anchoring, etc., prior to 9:00 p.m. on Sunday.
3. WEDS do not require a permit or a permit fee. Any person or entity which installs WEDS must have a City of Marietta business license and must acknowledge (via form provided by the Planning and Zoning Department) that WEDS will be installed per the terms of this code section. After acknowledgement, any person or entity that installs WEDS will be given an identification number by the Planning and Zoning Department.
4. Each WED shall be legibly marked with the name and identification number provided by the Planning and Zoning Department of the installer. This information must be written in weatherproof ink or paint upon at least one face of the WEDS in letters of at least one-half inch in height.
5. WEDS shall not exceed four square feet of sign area and three feet in height and may be double-faced. WEDS shall be mounted on an independent single or double pole device. WEDS shall not be affixed in any manner to trees, natural objects, streetlight poles, utility poles, other signs, or to other sign structures. WEDS shall be made of metal, plastic, laminated cardboard, or some other durable and waterproof material. No sign shall be made of paper.
6. There shall be only one WEDS for any given place, activity, or event per 300 feet of road frontage and within a five mile radius of the ultimate location to which it provides direction. No WEDS shall be located closer than fourteen feet from the back of the curb or edge of pavement, or one foot behind the right-of-way, whichever ensures that the WEDS is not in the right-of-ways. WEDS may be located along any road frontage except local roads within platted subdivisions. All WEDS must be placed on private property with the property owner's permission.
7. WEDS advertising businesses, services, or products, etc., are prohibited.
8. WEDS signs that violate this ordinance shall be subject to fines as described in section 714.07.

#### **714.04          General regulations**

All signs shall be located on private property and shall abide by those regulations, which pertain to each class of signs. The permit number shall be permanently affixed to each permitted sign. In all cases sign regulations shall be applied on a parcel level basis. If several buildings or tenants are located upon the same parcel, the allocation of sign space for multiple uses shall be controlled by the property owner provided that the total number of signs (and the sum of the areas) shall not exceed that permitted for the parcel as a whole. The Board of Zoning Appeals shall not grant and does not have the authority to grant a variance that allows for any new pylon signs or changes in the shape, size, location, or design of existing pylon signs. Materials, colors, and shapes of the proposed sign structure shall be compatible with the principal buildings. Staff shall review the style and architectural design of each sign structure in order to insure that it is compatible with the materials and colors of its principal structure.

A. Projecting Signs.

Are permitted in nonresidential districts and shall be securely fastened by metal supports to the building surface and meet all applicable building codes while maintaining a clear height of 10 feet above the ground level. No projecting sign may extend above the parapet wall. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.

B. Wall Signs.

Are permitted in nonresidential districts and shall be securely fastened to the building surface meeting all applicable building codes. Walls signs may project from the building face a maximum of 18 inches from the building provided that, if they project more than 4 inches from the building surface, they shall maintain a clear height of 10 feet above the ground level. No wall sign may extend above the parapet wall. Wall signs shall be restricted to building faces that abut public roadways or designated access drives to planned centers. No more than 15% of any wall face may contain wall signage. The total permissible sign area for a single business may be incorporated within wall, canopy, under canopy, projecting or window signage provided that in aggregate, they do not exceed the 15% limit.

C. Canopy Signs.

Are permitted in nonresidential districts and shall be securely fastened by metal supports to the building surface and meet all applicable building codes. Canopy signs may not extend above the parapet wall and shall maintain a clear height of 10 feet above the ground level. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.

D. Under Canopy Signs.

May be no larger than 6 square feet and must be no less than 8 feet above the ground at the lowest extremity of the sign and attached to the supporting structure at no less than two points. Permissible sign area shall be considered inclusive of the total wall sign area allowance for the building.

E. Free Standing (Detached) Monument Signs.

Are permitted in all zoning districts except those designated as Single Family Residential. Monument based signs are the mandatory design for all freestanding signs. Pylon signs are not allowed. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to allows for any new pylon signs or changes in the shape, size, location, or design of existing pylon signs.

For each property line that abuts public right-of-way for a distance of at least 75 feet, one free standing sign is permitted provided the sign area is located at least 5 feet from any property line. The Public Works Director or his/her designee may require additional setback distances based upon site conditions. In the case of corner lots, a

single sign with up to 4 sides may be erected in lieu of two or more separate signs. In no case shall a property contain multiple detached signs along the same road frontage. The maximum allowable height and sign area of detached signs shall be determined in accordance with the type of roadway along which the sign is to be located to account for varying travel speeds, sight distances and commercial conditions (see Table H). In no case shall the area of a message board exceed 50% of the allowable sign area nor should sign structures exceed 100% of the allowable sign area.

**TABLE H. MAXIMUM HEIGHT AND SIGN AREA FOR DETACHED SIGNS**

Use	Roadway*	Maximum Sign Height (ft.)	Maximum Sign Face (sq. ft.)**
Commercial	Arterial	15	90
	Collector/Industrial	10	50
	Local	8	30
Multi-family	Arterial	10	60
	Collector	8	40
	Local	6	24

\* As defined on the Official Thoroughfare Map of the City.

\*\* Sign structures are limited to 100% of the allowable sign face.

The numerical address of the property must be included on the sign, and must be clearly visible and legible from the street on which the property fronts. Numbers should be no less than six (6) inches high and shall not be considered signage, nor shall they be included in the calculation of sign size.

**F. General Advertising and Off-premise Signs.**

All general advertising and off-premise signs are subject to the following restrictions regarding their location and permitting. No general advertising sign lawfully in existence on July 11, 1984 shall be altered or moved unless it is made to comply with the provisions of this article. General advertising signs and off-premise signs are not allowed outside of the General Business District-Freeway Loop Sign District of the City of Marietta, Georgia, which is defined as that area within 100 feet of the right-of-way of Interstate 75, Cobb Parkway, Windy Hill Road or that portion of Roswell Road east of the SR 120 Loop.

1. General advertising signs and off-premise signs shall also be regulated as a principal use and required to meet all dimensional standards of the applicable zoning district. All distances shall be measured to the nearest point of the sign. The applicant is required to file an exemption plat through the City of Marietta with the Cobb County Superior Court to designate the area on the property that is to be used for the purpose of the general advertising or off-premise sign.
2. No general advertising sign or off-premise sign shall be placed within 500 feet of a bonafide residence, church, school, park, public building or cemetery.
3. No general advertising sign shall contain a sign area in excess of 672 square feet.
4. No general advertising sign or off-premise sign shall contain more than 2 faces.

5. No general advertising sign or off-premise sign shall be located within 1,000 feet of another general advertising sign or off-premise sign located on the same side of the road.
6. No general advertising sign may exceed 70 feet in height along an interstate or 35 feet along an arterial as measured from the established road grade at the nearest point of the aforementioned road.
7. The Department of Planning and Zoning may administratively reduce the setback for general outdoor advertising signs by 50 percent along interstate right-of-way, when it can be demonstrated that this action is necessary in order to preserve trees, provided, however, that no trees shall be cut in locating or erecting such outdoor advertising signs and GDOT approval is obtained by the applicant.
8. No general advertising sign or off-premise sign shall be located or erected on a substandard lot. In addition, general advertising signs and off-premise signs shall meet all other zoning district regulations, including required setbacks and lot widths. Support structures shall meet the setback requirements, however sign faces may extend 25% into any required setback. All distances shall be measured to the nearest point of the sign.
9. No general advertising sign or off-premise sign shall be located or erected on a lot upon which a building is located if such lot or the building thereon has any sign located thereon.
10. No general advertising sign or off-premise sign may be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign.
11. General advertising signs and off-premise signs shall be permitted in LI, HI, CRC, RRC, and OHR zoning districts.
12. All variance requests seeking relief from these standards must be made to City Council. Application shall be made through the Department of Planning and Zoning.

#### **714.05           Special conditions**

There exist unique conditions that require greater diligence due to their ability to more greatly harm the public good by creating unsafe, unsanitary or unkempt conditions. As such, the City hereby imposes additional regulations and standards on the following types of signage. Unless otherwise noted, permits are required for all signs in this section.

##### **A. Shopping Centers.**

In shopping centers and shared commercial buildings, individual tenants are entitled to wall, canopy and under canopy signage utilizing those standards noted previously in this section, calculated by tenant space. Individual tenants are not entitled to any detached signage on the premises, however, the property owner or manager may request one detached, monument based, sign for each property line which abuts public right-of-way provided the sign area is located at least 5 feet from any property line for a distance of at least 75 feet. The Public Works Director or his/her designee may require additional setback distances based upon site conditions. In instances where a shopping center has over 100,000 square feet of floor area and has multiple



entrances, the property owner or manager may request one additional sign on a single road frontage, provided that both signs are located at entryways and that the entryways are located at least 300 feet apart. The maximum size of the sign shall be based upon the gross square footage of the shared center (exclusive of outparcels) as shown in Table I:

**TABLE I. DETACHED SIGNS STANDARDS FOR SHARED COMMERCIAL SPACE**

Size (sq. ft.)	Roadway Type*	Maximum Sign Height (ft.)	Maximum Sign Face (sq. ft.) **
< 50,000	Arterial	15	100
	Collector/Industrial	10	60
	Local	8	40
50,000 to 100,000	Arterial	20	120
	Collector/Industrial	10	75
	Local	8	50
> 100,000	Arterial	20	160
	Collector/Industrial	15	120
	Local	8	60

\* As defined on the Official Thoroughfare Map of the City

\*\* Sign structures are limited to 100% of the allowable sign face

- B. Personal expression signs are permitted within Single Family Residential districts provided that no sign may exceed 6 square feet in area or 4 feet in height and cannot be placed on a public right-of-way. Limited to 2 signs per lot. No permit required.
- C. Gas stations that incorporate a canopy covering the pumping area may place signage along the canopy eaves. Such signage may be placed on no more than three sides and is limited to ten square feet per side. Signs forming an integral part of a gasoline pump do not require a permit.
- D. Each official state emission station shall be allowed to display “Approved Authorized Station” sign indicating such status. Signs shall not exceed 36” by 48”. Wording shall include “State Approved Emissions Inspection,” with letters of a minimum of 4 ½ high, and shall specify if the station is “full time” or “appointment.” If the station is a full time station the hours and days of inspection shall be displayed. Such signs shall be displayed in accordance with O.C.G.A. 57-21-08 as amended from time to time. Such signs shall be mounted as a wall sign in accordance with section 714.04 B, or shall be located as a freestanding (detached) sign in accordance with section 714.04 E. All provisions of the “Georgia Motor Vehicle Emission Inspection and Maintenance Act” (O.C.G.A. 12-9-40 et seq.) shall be complied with

- E. Temporary signs. Shall be allowed in nonresidential districts and multi-family districts for a period not to exceed 30 consecutive days and are further limited to 60 total days annually at any location:
  - 1. Only one temporary sign may be displayed on a lot at a time.
  - 2. The permit number and expiration date shall be affixed to each permitted temporary sign.
  - 3. Temporary signs may only be located upon a building face that abuts a public street or designated access drive.
  - 4. Detached signage will not be permitted as temporary signs.
  - 5. In shopping centers and shared commercial buildings, individual tenants may be entitled to one temporary sign to be displayed on a building face which abuts a public street or designated access drive.
  - 6. A permit must be obtained for all temporary signs.
  - 7. Banners shall be subject to all dimensional standards that apply to wall signage and are only allowed as temporary signs.
  - 8. Detached signage in conjunction with seasonal sales may be permitted from Nov. 15 - Jan. 1. Such signage shall be limited to 8 feet in height, 50 square feet in area and shall be located at least 12 feet from any property line.
  - 9. Inflatable advertising devices on roofs of buildings (less than 35 feet in height above the roof from its highest point). Approval from the Fire Department is required for any gas-filled figure.
- F. Subdivision entrance signs shall not exceed 8 feet in height, shall not be greater than 64 square feet, and shall be located at least 5 feet from any property line. The Public Works Director or his/her designee may require additional setback distances based upon site conditions. Permits are required for subdivision entrance signs. Grandfathered subdivision entrance signs shall not be subject to the amortization listed in this ordinance.
- G. No additional signs, monuments or memorials shall be erected, authorized or permitted in Glover Park (The Marietta City Square). Any existing sign, monument or memorial in place prior to September 1, 1993 shall be permitted to remain, provided it is not changed, modified or expanded. This section is adopted due to the space limitation of the Square and to allow citizens to enjoy the natural surroundings of the Square.
- H. Vehicular signs shall conform to the following restrictions:
  - 1. Vehicular signs shall contain no flashing or moving elements nor any other information than the name, location and phone number of the business.
  - 2. Vehicular signs shall not project beyond the surface of a vehicle in excess of four inches.
  - 3. Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle.
  - 4. Signs, lights and signals used by authorized emergency vehicles shall not be restricted.

5. Commercial vehicles with signs may not be parked within 50 feet of public right of way in a manner as to serve as additional signage for the establishment.
- I. In a planned industrial park or residential subdivision where right-of-way is dedicated to the City, signage in compliance with all other district regulations will be allowed in the right-of-way median, provided:
  1. All such signs are shown on any submitted and amended plats.
  2. A permanent maintenance agreement acceptable to the city as approved by the City Council shall be filed with the Clerk of Superior Court at the time of the final plat indicating how the sign will be maintained, and that the sign may be removed by the City at the property owner expense if it is not maintained.
  3. All signs shall be located within a median on the main interior street within the development.
- J. Within single family residential zoning districts, those use listed as permitted uses within such a district may incorporate wall signage subject to the following restrictions:
  1. The number of building faces that may contain wall signage shall be equal to the number of property lines that abut public roadways for a minimum of 50 feet.
  2. No more than 10% of any wall face may contain wall signage with a minimum of 12 square feet allowed.
  3. No wall sign may extend above the parapet wall.
- K. Religious institutions and Cemeteries. On parcels where religious institutions, churches, monasteries, mosques, temples, synagogues, or cemeteries are established on properties zoned R-1, R-2, R-3, R-4, RM-8, RM-10 or RM-12, freestanding (detached) signs are permitted provided such signs may not exceed 32 square feet in area nor 8 feet in height. For each property line that abuts public right-of-way for a distance of at least 75 feet, 1 freestanding (detached) sign is permitted provided it shall be at least 12 feet from any property line.
- L. The Department of Planning and Zoning may issue temporary permits for promotional signs to be placed along the streets of the city whereby the public will be directed to a specific place or event. All applicants for this temporary permit shall file a statement that they will be responsible for removal of such signs within 5 days following the civic, promotional, or other similar event. Temporary permits shall not be utilized in lieu of permanent signs regulated by other sections of this article nor exceed any sign area requirements.
- M. Nostalgic Signs shall not be considered pylon signs. Nostalgic signs are permitted in all commercial, office, industrial, and multi-family zoning designations as long as they are less than six (6) feet in height and have a sign face that is less than twelve (12) square feet.

## **714.06 Prohibited signs**

### **A. The following signs are prohibited in all zoning districts:**

1. Pylon signs
2. Signs, fliers, bills, posters, or any other such object placed upon or affixed to sidewalks, curbs, or public rights-of-way or any publicly owned building or structure, whether located within or outside of the public right-of-way. These signs shall be removed immediately upon notice by the Planning and Zoning Department. Any damage or defacement resulting from such prohibited placement shall immediately be repaired or otherwise corrected by the responsible party. For purposes of enforcement, the responsible party shall be deemed to be the party benefiting or intending to benefit from the advertisement, notice or message that is required to be removed.
3. Signs attached to a fence, fence post, tree, tree trunk, street sign, or utility pole or painted on or otherwise attached to a rock or other natural objects.
4. Signs, which emit sound, odor, or visible matter such as, smoke or vapor.
5. Flashing or blinking signs or signs using varying light intensity, electronic message boards or similar technology.
6. Rotating signs or animated signs involving motion of the body of the sign.
7. Neon signs with visible tubing, neon borders, neon bands, or similar structures.
8. Signs that advertise an activity that is illegal under local, state, or federal laws or regulations.
9. Signs which are erected or maintained which obstructs any fire escape, any means of egress or ventilation, or which prevent free passage from one part of a roof to any other part thereof, or attached in any manner to a fire escape.
10. Portable display signs or trailer display signs.
11. General advertising or off-premise signs located on property which has an existing sign
12. Nongovernmental flags, pennants or other nonpermanent displays attached together or to a building, vehicle or other object by rope, string, wire or other device.
13. Abandoned or dilapidated signs.
14. Air and gas filled devices or balloons not permitted under other provisions of this ordinance.
15. Roof Signs or signs where a portion of the sign extends above the roof of the building where the sign is located.
16. Internally illuminated signs that have a white, clear, or pale background. Signs in residential zones shall not be internally illuminated but may use external illumination to provide adequate visibility.

### **B. Signs not to constitute a Traffic Hazard.**

No sign, noise emission or revolving beam or beacon of light shall be erected at any location where by reason of the position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. The Planning and Zoning Director shall determine whether any such sign, noise emission, or illumination creates a hazard to the motoring public. Also, the Planning and

Zoning Director shall determine if any sign obstructs or impairs the sight of any vehicle operator. In all zoning districts, no sign or other obstruction to vision, except utility poles, light or street sign standards or tree trunks shall be permitted within 15 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads.

**C. Non-conforming Signs.**

1. In those cases in which there exist more than one detached sign per property frontage, any signs which are non-conforming with respect to the requirements herein shall be removed within one year after the passage of this article, after which time they are declared to be illegal.
2. A non-conforming sign shall not be replaced by another non-conforming sign except that the substitution or interchange of poster panels, painted boards or demountable materials on non-conforming signs shall be permitted, notwithstanding those signs described in subsection (A) above. Signs which represent a hazard to the public health, safety or welfare shall not be considered non-conforming nor derive any protection therefrom. Non-conforming signs must come into compliance with the amortization schedule listed in subsection 714.06.C.4. Also, the substitution or interchange of poster panels, painted boards or demountable materials requires a sign permit from the Planning and Zoning Department.
3. Minor repairs and maintenance of nonconforming signs such as repainting and electrical repairs shall be permitted. However, no structural repairs or changes in the size, shape, location, or design of this sign shall be permitted except to make the sign comply with the requirements of this article.
4. Nonconforming signs shall either be removed or made to conform to the ordinance requirements within the time prescribed in this article dated from the date of notification by the Planning and Zoning Director or other city code enforcement officials. The Planning and Zoning Director or other city code enforcement officials shall determine the value of each nonconforming sign based on evidence supplied by the owner of the sign. Values for nonconforming signs shall be based on replacement cost minus 5% depreciation per year for each year the sign has been in use. The decision of the Planning and Zoning Director will be final unless such is appealed to the city council.

**AMORTIZATION SCHEDULE**

Value of Sign	Period for Removal
\$1.00 to \$1,000.00	5 years
\$1,000.00 to \$2,500.00	6 years
\$2,500.000 to \$5,000.00	7 years
\$5,000.00 to \$10,000.00	8 years
\$10,000 or more	9 years

## **714.07 Compliance requirements**

### **A. Administrative Variances.**

The Planning and Zoning Director is hereby authorized to grant variances from the development standards of the sign ordinance, where, in his/her opinion, the intent of the ordinance can be achieved and equal performance gained by granting the variance. A fee of \$25 per standard varied shall be charged. The authority to grant such variance shall be limited to 10% of any development standard. In cases where the Planning and Zoning Director has determined that there are extraordinary and exceptional conditions creating a substantial hardship to the applicant because of the size, shape or topography of the parcel an Administrative Variance can be granted to reduce the required setback by 50%. This Administrative Variance must also be approved by the Public Works Director to ensure that the structure is not inhibiting vehicular and pedestrian visibility of the road way.

### **B. Sign Inspections.**

The Planning and Zoning Director may require the building inspector or other city code enforcement officials to perform field inspections to determine that the display sign being erected, replaced, reconstructed, expanded, relocated, or used is being pursued in accordance with the Standard Building Code and all other applicable ordinances for which a sign permit has been issued. All freestanding (detached) signs require a site inspection by both the Planning and Zoning Department and the Public Works Department.

### **C. Notice of Violation.**

If any sign is erected or maintained in violation of any of the provisions of this article or other ordinances, the City shall have the power to give the owner thereof certified written notice of such violation. Said notice to include a brief statement of the particulars in which this article or other ordinances are violated and the manner in which such violation is to be remedied. If a sign has been registered with the City, notice to the registered owner or the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing of a copy of the notice to the sign, sign structure, or building for a period of five days shall be sufficient. If a sign owner cannot be found, the duty to perform corrections or removal of the sign will be upon the property owner on whose property the sign is attached. Permanent signs are allotted a period of ten days for removal. Temporary and/or portable display signs have five days for removal. All signs placed upon City property, including public right-of-way, may be removed immediately by any city employee or anyone under the direction of the City. In addition, citations may be issued immediately to either the party benefiting or intending to benefit from the advertisement and/or their agent.

### **D. Unsafe and Unlawful Signs.**

If the City shall find that any sign is unsafe or insecure or has been constructed, erected or maintained in violation of the provisions of this article, it shall give written notice to the owner of record specifying particular violations and demanding their

remedy, and the City may proceed with action as provided by law. The City may cause any sign that is an immediate peril to persons, property, or public safety to be removed without notice. The cost of sign removal will be charged against the sign owner if known or against the property owner on which the sign is attached

1. Any signs, fliers, bills, posters, or any other such object illegally placed upon or affixed to the public right-of-way or any publicly owned building or structure, whether located within or outside of the public right-of-way. Aforementioned objects shall be removed immediately upon notice by the Planning and Zoning Department. Any damage or defacement resulting from such prohibited placement shall immediately be repaired or otherwise corrected by the responsible party. For purposes of enforcement, the responsible party shall be deemed to be the party benefiting or intending to benefit from the advertisement, notice or message required to be removed.

E. Abandoned Signs.

Signs that advertise a discontinued product, place, activity, person, institution, or business shall be removed within 30 days from the date of discontinuance. If such signs are not removed within this time period, they shall be removed at the direction of the City as a possible hazard to the general public. The Marietta Municipal Court may issue fines and/or orders in accordance with the Penalties section of this ordinance.

F. Dilapidated Signs

Any signs which in the Planning and Zoning Department's or the Public Works Department's reasonable opinion is structurally unsound, has defective parts or is in need of painting or maintenance is deemed a dilapidated sign. These signs are prohibited as listed in section 714.06. The Marietta Municipal Court may issue fines and/or orders in accordance with the Penalties section of this ordinance.

G. Enforcement.

Any violation of the provisions of this article which continues after proper notice by any person, agent, or tenant who has control over any sign located on property on which the sign is located is hereby deemed in violation of this article. The Planning and Zoning Director or any law enforcement officer of the City is hereby authorized and directed, upon discovery of any violation of any provision of this article, to issue a citation for the violator or violators to appear before the appropriate court on a day and time certain to answer to the charges. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

H. Penalties

1. Any person who violates this article or fails to comply with this any of its requirements shall, upon conviction thereof, be fined up to \$1,000 for each violation and/or imprisoned for not more than six months, or both, and in addition shall pay all costs and expenses involved in each separate offense. The Marietta Municipal Court may issue an order requiring the removal of any sign in violation

of this ordinance. If business or property owner fails to comply with a removal order within 10 days of court hearing, City of Marietta staff shall remove the illegal sign. The cost of sign removal will be charged against the sign owner or property owner if known or a lien shall be placed against the property on which the sign is attached. Except for a different violation, each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Marietta from taking such other lawful action as in necessary to prevent or remedy any violation, as mentioned in section 718.08 of the Marietta Zoning Ordinance.

2. Penalties for the first violation of this code section shall be a minimum fine of \$100. The penalty for second violations of the same provisions of this code section by the same owner or tenant shall be a minimum fine of \$500. Third or repeat violations of the same provisions of this code section by the same owner or tenant shall be punished by a minimum fine of \$1,000.

#### **714.08           Downtown Marietta Sign District**

##### *A. District Identified.*

The Downtown Marietta Sign District shall be delineated as that area shown on the Official Historic Map of Marietta as defined in section 7-8-8-020. It will be deemed unlawful for any person to place, erect or maintain any sign display case of any type other than publicly maintained street and directional signs, within the special sign district except as provided for in this article.

##### *B. Permit Requirements.*

Any property owner, tenant, agent, or contractor must obtain a permit from the Department of Planning and Zoning prior to the erection, replacement, reconstruction, or relocation of a sign after approval by the Marietta Historic Board of Review. Said permit shall be required for all signs, except those specifically exempted within this ordinance and shall be subject to the requirements set forth in Section 714.02.

##### *C. Marietta Historic Board of Review.*

The Marietta Historic Board of Review created in Article 7-8-8 shall:

1. Establish guidelines for colors and design of signs that can be approved without review by Marietta Historic Board of Review.
2. Review and approve all applications for signage within the Historic District.
3. Grant variances and designate such conditions in connection therewith to those regulations for the Downtown Marietta Sign District set forth herein where strict application of such regulations would result in practical difficulty or unnecessary hardship; but only in harmony with the spirit and intent of these regulations and in such manner as to grant relief without substantial injury to the public interest and rights. Any person aggrieved by the decision of the Marietta Historic Board of Review regarding the grant or denial of a variance may appeal to the Board of Zoning Appeals by filing a written notice of appeal with the Marietta Historic Board of Review within 10 days from the date of the decision.



D. *Restricted Signs.*

All signs in the Downtown Marietta Sign District shall comply with section 714.06 of this ordinance. In addition, the following signs are not permitted within the Downtown Marietta Sign District unless permitted by the Marietta Historic Board of Review:

1. Temporary banners, pennants and streamers across road rights-of-way, except flags, and banners of the United States or any other official political entity.
2. Folding, and similar movable signs, except as permitted by the Marietta Historic Board of Review.
3. Signs erected on or located on any street or public right-of-way, curbs, curbstone, hydrant, lamppost, trees, barricade, temporary walk, public fence or on a fixture of a fire alarm or public system except public directory and information signs.
4. Signs painted directly on the exterior walls or windows of a building or structure not including graphic design.
5. Signs with revolving or rotating beams of light.
6. Roof mounted signs.
7. Off-premise or separate use signs.
8. Signs placed upon a structure in any manner so as to disfigure or conceal any window opening, door or significant architectural feature or detail of any building.
9. Free standing or detached signs.

E. *General Regulations.*

One principal use sign (either a wall sign or projecting sign) shall be permitted for each business establishment. Where a business fronts on more than one street or pedestrian walkway providing public access, one principal use sign for each such frontage shall be permitted; provided that the maximum sign area shall be computed for each individual street. If the linear frontage per public street exceeds 200 feet, one additional sign shall be permitted for each additional 100 feet of street frontage or a fraction thereof. Additionally, supplemental identification signs, not exceeding an aggregate sign area of three square feet, shall be permitted adjacent to each entrance of the principal use. Such identification signs shall be limited to providing the trade name or logo of the establishment, and shall be mounted or attached flat against the building. For the purpose of calculating the area of supplemental identification signs, the area of any sign attached to, the interior of a glass window or door shall not be included.

F. *Regulation by Sign Type.*

1. *Wall signs.* Maximum size shall not exceed 15% of the square footage of each principal building front. Wall signs shall not extend above the parapet wall of the buildings or extend within three feet of the property line or common building line nor project out from the building facade more than 15 inches. The total permissible sign area for a single business may not exceed 15% of the building's facade and may be incorporated within wall, canopy, building identification, projecting or window signage provided that in aggregate, they do not exceed the 15% limit. No sign

attached to, or painted upon, the interior glass window of door shall be included in the calculation of the 15% allowable area.

2. *Awning or canopy signs.* Canopy signs may not extend above the parapet wall and shall maintain a clear height of 10 feet above the ground level while being securely fastened by metal supports to the building surface to meet all applicable building codes. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance.
3. *Under canopy signs.* In addition to other signs, one sign attached to the underside of the canopy or awning shall be permitted for each principal entrance providing access. The display area of such sign shall not exceed 6 square feet per sign face. Signs shall be at least 8 feet above the sidewalk and 1 foot from the outer edge of the canopy.
4. *Projecting signs.* Are permitted one square foot of display area per sign face per linear foot of frontage occupied by each principal use; provided that a maximum sign area of 45 square feet shall be permitted per sign face for each projecting principal use sign allowed. The outer edge of a projecting sign shall not extend more than 5 feet from the building to which it is attached. The height of a projecting sign shall not extend above the parapet wall of the building and the lowest point shall be at least 8 feet above the established grade.
5. *Marquee signs.* A motion picture theater marquee sign may be extended to the leading edge of a marquee if located on a marquee existing on the adoption date of this article; however, the total sign area of such sign shall not exceed a total of 90 square feet. No additional permit shall be required where a sign is affixed to or part of such marquee in accordance with this article until such marquee is replaced, remodeled, or altered. New or remodeled signs shall not extend farther than 8 feet from the facade of a building nor exceed a sign area of 45 square feet. The height of a new or remodeled marquee sign shall not extend above the parapet wall of the building, and the lowest point of the marquee sign shall not be less than 8 feet above the established grade.
6. *Building identification sign.* Building identification signs shall be permitted along each building facade. The maximum aggregate size of such signs shall not exceed an area of 75 square feet.
7. *Announcement signs.* One announcement sign shall be permitted for the entrance or exit provided it is restricted to providing only emergency information, business hours, credit cards, or other such incidental business related information. Announcement signs shall not exceed two square feet.
8. *Temporary signs.* Temporary signs shall be permitted through the Department of Planning and Zoning provided that:
  - a) Exterior temporary “sale, rent, lease” or promotional signs shall be located on private property and may not exceed 50% of that permitted for a principal use facia sign.
  - b) No temporary sign shall be erected for a period exceeding 30 days after which, a certificate of approval from the Marietta Historic Board of Review is required.
  - c) All temporary signs shall have the date it is first displayed written in the lower right hand corner.
9. *Non-conforming signs.* A non-conforming sign may be continued provided that:
  - a) The sign shall be maintained in good condition.

- b) A non-conforming sign shall not be structurally altered except in conformance with the provisions of this article.
  - c) A non-conforming sign shall not be reestablished after damage exceeding 50 percent of the current replacement costs.
10. *Discontinued use or illegal signs.* All signs shall be removed within 15 days from the date a principal use is terminated, relocated, or discontinued or the sign is deemed illegal by section 714 of this ordinance. If such signs are not removed within this time period the City shall enforce the penalties as provided in section 714.07.

Section 2: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable and if any section, paragraph, sentence, clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

Section 3: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4: This Ordinance shall be effective upon signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

**Final Ordinance submitted by:**

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**Rusty Roth, AICP**  
**Acting Planning & Zoning Director**

**Approved as to Form:**

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**Doug Haynie, City Attorney**

**Approved by City Council:**

**DATE:** February 9, 2005

**APPROVED:**

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**William B. Dunaway, Mayor**

**ATTEST:**

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**Shelia R. Hill, City Clerk**